

House File 2392 - Reprinted

HOUSE FILE 2392

BY COMMITTEE ON PUBLIC SAFETY

(SUCCESSOR TO HF 2091)

(As Amended and Passed by the House February 22, 2018)

A BILL FOR

1 An Act relating to electronic and mechanical eavesdropping, and
2 the interception of communications.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 727.8, Code 2018, is amended to read as
2 follows:

3 **727.8 Electronic and mechanical eavesdropping.**

4 1. "Monitoring device" means a digital video or audio
5 streaming or recording device that records, listens to, or
6 otherwise intercepts video or audio communications placed
7 outside of a person's dwelling or other structure that is not
8 in a shared hallway and is on real property owned or leased by
9 the person.

10 2. Any person, having no right or authority to do so, who
11 taps into or connects a listening or recording device to any
12 telephone or other communication wire, or who by any electronic
13 or mechanical means listens to, records, or otherwise
14 intercepts a conversation or communication of any kind, commits
15 a serious misdemeanor; ~~provided, that the.~~

16 3. This section does not apply to any of the following:

17 a. The recording by a sender or recipient of a message or
18 one who is openly present and participating in or listening to
19 a communication ~~shall not be prohibited hereby from recording~~
20 such message or communication; ~~and further provided, that~~
21 nothing herein shall restrict the.

22 b. The use of any radio or television receiver to receive
23 any communication transmitted by radio or wireless signal.

24 c. The use of a monitoring device.

25 Sec. 2. Section 808B.2, subsection 2, Code 2018, is amended
26 by adding the following new paragraph:

27 NEW PARAGRAPH. d. It is not unlawful under this chapter
28 for a person who is the owner or lessee of real property to
29 intercept an oral communication if the person intercepts the
30 oral communication under all of the following circumstances:

31 (1) The interception of the oral communication is made by a
32 surveillance system placed in or on the real property owned or
33 leased by the person.

34 (2) The surveillance system is installed with the knowledge
35 and consent of all lawful owners or lessees of the real

1 property.

2 (3) The surveillance system is used for the purpose of
3 detecting or preventing criminal activity in or on the real
4 property owned or leased by the person or in an area accessible
5 to the general public in the immediate vicinity of the real
6 property owned or leased by the person.